

## SB 187

## FACT SHEET

SETTLEMENT OF RESERVED WATER RIGHTS  
FORT KEOGH LIVESTOCK & RANGE RESEARCH LABORATORY

The Montana Reserved Water Rights Compact Commission was created by the Montana Legislature in 1979 to act on behalf of the State and its water users to settle the water rights associated with reserved federal land, such as Fort Keogh Livestock & Range Research Laboratory (Ft. Keogh). The Commission is composed of nine members. Four members are appointed by the Governor, four members are legislators (two from the House and two from the Senate), and one member is appointed by the Attorney General.

The Commission negotiates with federal agencies and Indian tribes that claim federal reserved water rights within Montana. A federal reserved water right is a right to use water under federal law based on a Congressional act or treaty that reserved lands for a specific purpose. In this case, Ft. Keogh was set aside by the Act of April 15, 1924 establishing the research laboratory for the purpose of "experiments in stock raising and growing of forage crops in connection therewith." The negotiated settlement quantifies the federal reserved water rights for Ft. Keogh as summarized below. The priority date for all reserved water rights for Ft. Keogh is April 15, 1924.

- Irrigation rights for pasture and crops:
  - Yellowstone River (Water Court Basin 42KJ)
    - 1523 acres irrigation (flood and sprinkler) – 58 cfs
    - 450 acres water spreading
    - 620 acres future irrigation – 23 cfs
      - No ground water development for irrigation that would adversely affect the fish hatchery.
  - Tongue River (Water Court Basin 42C) (runoff – not diversion from Tongue River)
    - 203 acres water spreading (conditioned on no calls and no enforcement)
    - No future irrigation from the Tongue River or its tributaries.
- Stock water rights:
  - Small dams, wells, and direct stock water use at specified locations on Ft. Keogh that have historically/currently supplied water for 3000 animal units within Ft. Keogh. Stock may increase up to an additional 2000 animal units in the future under the Compact.
- Administrative use rights:
  - Water rights for administrative uses for the research complex, to conduct research, dust abatement, reclamation or other administrative purposes from surface or groundwater to fulfill the purposes of Ft. Keogh up to 36 acre-feet per year.
- Emergency Fire Suppression, as needed.